

REMARKS

The present application has been reviewed in light of the Office Action dated December 18, 2008. Claims 1-4 are presented for examination, of which Claim 1 is in independent form. Claims 1-4 have been amended to define aspects of Applicants' invention more clearly. Support for the amended features may be found in at least paragraphs [0006] and [0018] to [0024] of the specification as originally filed. Favorable reconsideration is requested.

The Office Action states that Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,125,354 (*MacFarlane et al.*) in view of U.S. Patent No. 7,020,628 (*Peterson et al.*). Applicants submit that independent Claim 1, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Amended Claim 1 recites, in pertinent part, "receiving billing information associated with consumption of computer-related hardware processing resources . . . including . . . a corresponding plurality of job identifiers," "reading . . . application profiles that associate one or more computer-related hardware processing tasks . . . to a corresponding one or more unique task identifiers," and "matching each of the plurality of job identifiers to the one or more unique task identifiers." (Emphasis added.) By virtue of these features, an entity may monitor computing resource billings based on specific tasks for which they were incurred, thus enabling the entity to more accurately plan for future computer resource costs. For example, a financial institution that processes credit card authorizations may determine that the computer resource cost of performing credit card authorizations for purchases

below a certain amount (*e.g.*, \$25) is greater than that of missing the relatively small number of non-authorization determinations that are typically detected.¹

MacFarlane et al., as best understood by Applicants, relates to a system and method for generating an invoice to re-bill charges to individual elements of an organization. Bill charges for services that have been provided to a particular element of a organization by one or more service providers are associated with that element. The bill charges are adjusted thereby creating re-bill charges, and an invoice is generated for the element based on the re-bill charges.

Applicants agree with the Office Action’s contention that *MacFarlane et al.* fails to explicitly disclose receiving billing information associated with consumption of computer-related hardware processing resources from a provider. Applicants further submit that *MacFarlane et al.* also fails to teach or reasonably suggest “receiving billing information associated with consumption of computer-related hardware processing resources . . . including . . . a corresponding plurality of job identifiers,” “reading . . . application profiles that associate one or more computer-related hardware processing tasks . . . to a corresponding one or more unique task identifiers,” and “matching each of the plurality of job identifiers to the one or more unique task identifiers,” as recited in Claim 1. (Emphasis added.) Indeed, not only does the billing information in the *MacFarlane et al.* system fail to include job identifiers, nothing has been found in *MacFarlane et al.*’s billing information that can be matched to task identifiers that correspond to computer-related hardware tasks. Instead, billing charges in *MacFarlane et al.* appear broken down solely by service provider and the element of the organization which incurred the billing charges. See *MacFarlane et al.*, abstract and col. 2, lines 9 to 18.

¹ The example(s) provided herein are intended to be illustrative and are not to be construed to limit the scope of the claims.

Nothing has been found in *Peterson et al.*, that is believed to remedy the above-mentioned deficiencies of *MacFarlane et al.*, as applied against independent Claim 1. *Peterson et al.*, as best understood by Applicants, relates to a system and method for monitoring remote computer access and associated costs. Apparently, while *Peterson et al.* discloses monitoring costs associated with computer access, it is not understood to teach or reasonably suggest monitoring costs based on unique computer-related hardware processing tasks. That is, nothing has been found in *Peterson et al.* that would teach or reasonably suggest the “receiving,” “reading,” and “matching,” features discussed above in connection with Claim 1.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against amended Claim 1, and that the proposed combination of *MacFarlane et al.* and *Peterson et al.*, even if deemed legally permissible or technically feasible, would fail to arrive at the method of Claim 1. Accordingly, the rejection under 35 U.S.C. § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

The other rejected claims in this application depend from independent Claim 1 and therefore are submitted to be patentable for at least the same reasons as discussed above. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment

timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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